



645-21-07

PATENT
Docket No. 1400-0031616
APR 2003
TECH CENTER 1600/2000
CEN
2004/2003
2005/2003
2006/2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Group Art Unit: 1616
William J. Roberts) Examiner: Babio, Barbara P.
Entitled: "BIOAVAILABLE PRODRUGS)
OF ANDROGENIC STEROIDS)
AND RELATED METHOD")
Serial No.: 10/053,345)
Filed: January 16, 2002)

Commissioner for Patents
Washington, D.C. 20231

**ELECTION AND RESPONSE TO RESTRICTION
REQUIREMENT OF OFFICE ACTION NO. 1**

In response to the restriction requirement set forth in the Office Action of March 19, 2003, Applicant hereby elects 5 α -androst-1-ene-3,17 β -diol 1,17 β -di(alkylcarbonate), and as a species thereof, 5 α -androst-1-ene-3,17 β -diol 1,17 β -di(ethylcarbonate).

Applicant respectfully submits that claims 1, 2, 6, 7, 18-26, 30, 31, and 42-56 read on the elected species. Further, claims 1 and 24 are generic to all pending claims. Upon allowance of these and/or other generic claims, rejoinder in this application of claims covering non-elected species is respectfully requested.

Applicant respectfully submits that the grounds for the restriction are unclear and are not sufficiently explained. Applicant reserves the right to revisit

the propriety of the restriction requirement, and to challenge any assertions or suggestions made in it, including but not limited to any assertions of the obviousness of any claimed species over another, to the extent clarification is provided by the examiner during prosecution on the merits.

It is the understanding of the undersigned that no fees are due for the submission of this document. If fees are due with respect to it, or if any other fees are due in connection with the prosecution of this application, please charge the fees to our Deposit Account No. 501324.

Early and favorable action on the merits is respectfully requested.

Dated: April 18, 2003

Respectfully submitted,



Stephen T. Sullivan
Reg. No. 32,444



CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EV 279546590 US

Date of Deposit April 18, 2003

I hereby certify that this Response to Restriction
Requirement of Office Action No. 1 is being deposited
with the U.S. Postal Service "Express Mail Post Office to
Addressee" service under 37 C.F.R. § 1.10 on the date
indicated above and is addressed Commissioner for
Patents, Washington, D.C. 20231.

Rose A. Riley